

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

WILLIAM GREEN AND JOANN
GREEN,

Plaintiffs,

vs.

SUNSET FINANCIAL SERVICES,
INC., and BRYAN S. BEHRENS,

Defendants.

8:09-CV-13

ORDER

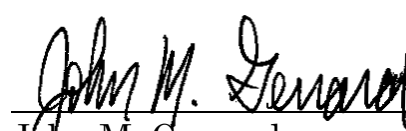
This matter is before the Court on the stipulation and motion for dismissal without prejudice (filing [359](#)) of the claims of William Green and Sunset Financial Services against Bryan S. Behrens. As the Court stated in its order of June 11, 2013 (filing [353](#)), the parties are not precluded by Behrens' bankruptcy from voluntarily dismissing their claims against him, as that is not a "continuation" of a proceeding against him within the meaning of 11 U.S.C. § 362(a)(1). See *Dennis v. A.H. Robins Co., Inc.*, 860 F.2d 871, 872 (8th Cir. 1988); see also *O'Donnell v. Vencor Inc.*, 466 F.3d 1104, 1110-11 (9th Cir. 2006). Accordingly, the parties' motion will be granted pursuant to Fed. R. Civ. P. 41(a)(2).

IT IS ORDERED:

1. The motion for dismissal without prejudice (filing [359](#)) is granted.
2. The claims of William Green and Sunset Financial Services against Bryan S. Behrens are dismissed without prejudice.

Dated this 15th day of August, 2013.

BY THE COURT:



John M. Gerrard
United States District Judge